

# ORDINANCE 1526

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING THE 2014 COMPREHENSIVE PLAN AMENDMENTS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City is required to prepare a Comprehensive Plan under the Growth Management Act (GMA) and required to implement the plan with development regulations which are consistent with the plan per RCW 36.70A.040; and

**WHEREAS**, the City maintains an annual docketing process pursuant to NBMC Chapter 20.08 by which individuals may request amendments to the Comprehensive Plan and development regulations; and

**WHEREAS**, the Planning Commission reviewed and adopted a docket list in 2013 consisting of suggested Comprehensive Plan and development regulation amendments, through which the Planning Commission reviewed and recommended amendments to the Land Use Element and Parks Element of the Comprehensive Plan, and associated amendments to the City's Zoning Map to City Council; and

**WHEREAS**, the City Council took action on the recommendations of the Planning Commission, approving Resolution 1628 providing amendments to the Comprehensive Plan Land Use Map and Zoning Map affecting the WSDOT Tanner Pit Site, Resolution 1629 providing amendments to the Comprehensive Plan Land Use Map and Zoning Map affecting certain city owned properties and the North Bend Post Office property, Resolution 1637 providing amendments to the Parks Element of the Comprehensive Plan; and Resolution 1649 providing amendments to the Comprehensive Plan Land Use Map and Zoning Map affecting properties on South Fork Avenue SW, each of these resolutions attached hereto collectively in Attachment A; and

**WHEREAS**, each of the proposed amendments were submitted to the Washington State Department of Commerce for review, as described in the resolutions attached hereto in Attachment A; and

**WHEREAS**, a SEPA Determination of Non-Significance was issued for each of the proposed amendments provided herein, as described in the resolutions attached hereto in Attachment A; and

**WHEREAS**, the Planning Commission held public hearings on each of the proposed amendments provided herein and provided recommendations of approval, as described in the resolutions attached hereto in Attachment A; and

**WHEREAS**, the City Council finds that the proposed amendments address and are consistent with the requirements of the Growth Management Act, and

**WHEREAS**, the City Council finds that the City followed the procedural requirements of NBMC 20.08 to notify and advertise the proposed amendments to the public and to interested agencies, and that the Planning Commission and City Council subsequently considered all written and verbal comments received during their respective processes; and

**WHEREAS**, Concurrency, as required per NBMC 20.12.030 for a Comprehensive Plan land use re-designation or rezone cannot be adequately evaluated without a specific associated land use proposal, and because impacts resulting from development are evaluated at the time of development application and are the responsibility of the applicant proposing the development, the City has deferred detailed concurrency review until the time of development application pursuant to NBMC 20.10.030(A)(2) to ensure a thorough analysis of the impacts to City services and application of appropriate mitigation measures; and

**WHEREAS**, WAC 365-196-640(3) provides that all proposed amendments to the City's Comprehensive Plan must be considered by the governing body concurrently and may not be considered more frequently than once every year; and

**WHEREAS**, The City Council has previously considered the amendments proposed herein and recommended their inclusion for adoption with the 2014 Comprehensive Plan Amendments via Resolution 1628 (Tanner Pit LU/Zoning), Resolution 1629 (Misc. Public Property LU/Zoning), Resolution 1637 (Parks Element), and Resolution 1649 (Century Link LU/Zoning), attached hereto in Attachment A, and now desires to adopt them together;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The Comprehensive Plan amendments as previously considered and recommended by the City Council for inclusion in the 2014 Comprehensive Plan and associated Development Regulation Amendments via Resolution 1628 (Tanner Pit LU/Zoning), Resolution 1629 (Misc. Public Property LU/Zoning), Resolution 1637 (Parks Element), and Resolution 1649 (Century Link LU/Zoning), all as set forth in Attachment A, are hereby adopted by the City Council.

**Section 2.** The Community and Economic Development Director is hereby authorized and directed to make necessary edits to the City of North Bend Official Zoning Map as depicted in Attachment A.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6<sup>TH</sup> DAY OF MAY, 2014.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

---

**Kenneth G. Hearing, Mayor**

---

**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: May 14, 2014

Effective: May 19, 2014

---

**Susie Oppedal, City Clerk**